

Receipt
150007051

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF MICHIGAN

Branden Lavar Trapp
Plaintiff

Case: 2:23-cv-12356
Assigned To : Grey, Jonathan J.C.
Referral Judge: Altman, Kimberly G.
Assign. Date : 9/18/2023
Description: CMP TRAPP V. CHEX SYSTEMS, INC (DJ)

v.

Jury Trial: Yes NO

CheX Systems, Inc
Defendant

Affidavit Complaint for a Civil Case

COME NOW in Pro Per, I, Branden Lavar Trapp the living man, individual/consumer of Wayne County, Detroit, Michigan affirm a solemn oath under the penalty of perjury that the information herein is true to the best of his knowledge and belief.

I. Introduction

The Fair Credit Reporting Act (FCRA) requires consumer reporting agencies to adopt reasonable procedures that are fair and equitable regarding the proper utilization of consumer credit data; it sets forth procedures in case of disputes, with specific requirements that a reasonable reinvestigation be conducted, within a specified period, and that employees are trained 15 USC 1681b, 1681e, 1681i.

II. Jurisdiction and Venue

Jurisdiction of this Court arises under 15 U.S.C. § 1681p, 28 U.S.C. § 1331, 1337. The venue lies properly in this district under 28 U.S.C. § 1391 (b).

III. Parties

1. Plaintiff Branden Trapp (Mr. Trapp) is an adult individual who resides in Detroit, Wayne County, Michigan.
2. Defendant CheX Systems, Inc. (CheX) is a foreign corporation doing business in Wayne County, Michigan.

IV. Factual Allegations

1. Chex is regulated as a “consumer reporting agency” (CRA) under the FCRA 15 U.S.C. § 1681a(f).
2. Chex sells millions of consumer reports (often called “credit reports” or “reports”) per day. 15 U.S.C. 1681a (f).
3. Under the FCRA, Chex must follow procedures that assure the reports they sell meet the standard of “maximum possible accuracy of the information concerning the individual about whom the report relates.” 15 U.S.C. 1681e (b).
4. Under the FCRA, Chex must maintain reasonable procedures to assure that reports are only sold for legitimate “permissible purposes.” 15 U.S.C 1681e (a).
5. On 07/29/2023 Mr. Trapp was damaged by Chex as he went to open a bank account with Michigan First Credit Union and was denied because Chex was reporting an alleged consumer debt of \$351.76 for Bank of America (BOA).
6. On 07/31/2023 Mr. Trapp filed a Consumer Financial Protection Bureau (CFPB) complaint attaching dispute notices for Chex and BOA informing them to reinvestigate the inaccurate information furnished by BOA. *See Exhibit A for proof.*
7. On 08/09/2023 Chex served a response to the CFPB stating:

“The reinvestigation of information disputed by Branden Lavar Trapp is complete. Bank of America verified the disputed information to be accurate and complete. ChexSystems sent a letter to notify the consumer of the results of the reinvestigation and to provide a current consumer disclosure report.” *See Exhibit B for proof.*
8. On or about 08/30/2023 Mr. Trapp received mail communication from BOA stating:

“We’ve completed our research on your claim and determined you aren’t the person responsible for opening the account.” *See Exhibit C for proof.*
9. BOA closed the inaccurate account.
10. It is a fact Chex is civilly liable for willful non-compliance under 15 U.S.C 1681n and negligent non-compliance under 15 U.S.C 1681o for failure to comply with the requirements imposed under the FCRA concerning the consumer, and their failure caused the consumer injury damages of emotional distress, mental anguish, frustration, suffering because of the inaccurate information being reported.
11. On 09/08/2023 Mr. Trapp filed another CFPB complaint number 230909-11972228 giving Chex a notice of Intent to Sue and a last opportunity to redress the matter by stating “ This is a notice of intent to sue/last opportunity to redress the matter. Please see the drafted attached district complaint lawsuit for the federal court in the eastern district court. Chex Systems, Inc. failed to comply with the FCRA after the consumer Branden Trapp filed the prior CFPB

complaint 230731-11651187 dispute. SEE ATTACHMENTS.” Chex failed or refused to respond within 7-day calendar days. *See Exhibit D for proof.*

11. As a result of Chex’s conduct, Plaintiff has suffered actual damages in the form of lost credit opportunities, harm to credit reputation, and emotional distress.

12. At all times pertinent hereto, Chex acted by and through their agents, servants, and/or employees acting within the course and scope of their agency or employment, and under the direct supervision and control of Chex herein.

13. At all times pertinent hereto, Chex’s conduct and that of their agents, servants, and/or employees was intentional, willful, reckless, and in grossly negligent disregard for federal law and Mr. Trapp’s rights herein.

V. Claims

CLAIMS FOR RELIEF – FCRA

Mr. Trapp incorporates the foregoing paragraphs as though the same were set forth at length herein.

14. Chex is a “consumer reporting agency” (CRA) under the FCRA 15 U.S.C. § 1681a(f).

15. Mr. Trapp is a “consumer” individual under the FCRA 15 U.S.C. § 1681a(c).

16. Under section 1681n and/or section 1681o of the FCRA, Chex is liable for violating the FCRA by engaging in the following conduct concerning Plaintiff:

17. failing to follow reasonable procedures to assure that reports are sold only for legitimate permissible purposes, Chex did violate 15 USC § 1681e (a) and/or 1681b;

18. failing to maintain and follow reasonable policy and procedures to assure “maximum possible accuracy” of information contained in consumer file, Chex did violate 15 USC § 1681e (b);

19. Chex did violate 15 U.S.C 1681i (a)(1)(A) as they did not complete a reasonable investigation of the dispute as required;

20. Chex did violate 15 U.S.C 1681h (c) as they failed to adequately train personnel to insure procedural compliance.

21. The conduct of Chex was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, actual damages, and harm to Mr. Trapp that are outlined more fully above and, as a result, Chex is liable to Mr. Trapp for the full amount of statutory, actual and punitive damages, along with the attorney’s fees and the costs of litigation, as well as such further relief, as may be permitted by law.

VI. Jury Trial Demand

1. Mr. Trapp Demands trial by jury on all issues so triable.

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT grants his damages plus costs, interest, and attorneys' fees as provided by the FCRA.

VII. DEMAND FOR JUDGMENT RELIEF

1. Accordingly, Plaintiff requests that the Court grant him the following relief against Defendant:

- a) \$30,000.00 representing compensation for non-compliance with the content policy and procedures outlined in the FCRA, including emotional distress, mental anguish, frustration, and suffering;
- b) \$90,000.00 For Actual damages;
- c) \$10,000.00 for Equitable relief under statute and common law;
- d) \$4,000.00 for Statutory damages;
- e) \$2,000.00 Statutory cost and fees;
- f) \$5,000.00 Punitive damages;
- g) Costs and reasonable attorney's fees under 15 USC § 1681n, and 1681o; and
- h) Any other equitable relief the court deems appropriate to fully redress Mr. Trapp's damages.

Jurat

Drafted by Branden Lavar Trapp

Signature of Branden Lavar Trapp  Who did appear before me ("The Notary Public") on this 18 day of September 2023, as the. The living soul, residing in the natural person presenting government-issued identification to

NURUL HAQUE

Notary- Printed Name

 Notary- Signature

07.01.2027

Notary Commission Expiration

SEAL:

Nurul Haque
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires July 1, 2027
Acting in the County of Wayne

[CERTIFICATION AND CLOSING PAGE FOLLOWS]

Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/18, 2023.

Signature of Plaintiff 

Printed Name of Plaintiff Branden Lavar Trapp

10870 Marne St.
Detroit, MI 48224
(586) 353-8258
Branden.trapp@gmail.com

Exhibit A

❶ Chex System and BOA
CFPB Complaint and Chex System
dispute Notice

3 pages

Consumer Financial
Protection Bureau

(https://www.consumerfinance.gov/)

Start a new complaint

[All complaints \(. \)](#)**230731-11651815****OPEN****✓ Submitted****STATUS**

Submitted to the CFPB on 7/31/2023

PRODUCT

Credit reporting, credit repair services, or other personal consumer reports

ISSUE

Incorrect information on your report

We received your complaint. Thank you.

We will review your complaint. Depending on what we find, we will typically:

- Send your complaint to the company for a response; or
- Send your complaint to another state or federal agency, or help you get in touch with your state or local consumer protection office; or
- Let you know if we need more information to continue our work.

YOUR COMPLAINT

Bank of America has caused me damage of emotional distress. Please see attachments.

ATTACHMENTSIMG_8107.jpg (88.7 KB)[Hide full complaint](#) *Exhibit A**P 1-3*

Consumer Financial
Protection Bureau

(https://www.consumerfinance.gov/)

Start a new complaint

[All complaints \(. \)](#)**230731-11651187****CLOSED****Submitted****STATUS**

Submitted to the CFPB on 7/31/2023

PRODUCT

Credit reporting, credit repair services, or other personal consumer reports

ISSUE

Incorrect information on your report

We received your complaint. Thank you.

We will review your complaint. Depending on what we find, we will typically:

- Send your complaint to the company for a response; or
- Send your complaint to another state or federal agency, or help you get in touch with your state or local consumer protection office; or
- Let you know if we need more information to continue our work.

YOUR COMPLAINT

On 07/29/23 I went to open up a bank account and was denied because Chex Systems is reporting an inaccurate account balance from Bank of America. Please see the attached notice of dispute.

ATTACHMENTSChecksystems.docx (14.6 KB)[Hide full complaint](#)

Exhibit A

P-2-3

Branden Lavar Trapp
10870 Marne St., Detroit, MI 48224
Consumer ID # 27215656
Social Security # 367150996

07/30/2023

Dear ChexSystems, Inc

First, I am writing to dispute the accuracy of the information regarding a Bank Account that is being reported by your agency, for Bank of America, RTN/Account #: 072000805/xxxxxx3577 (the "Account" hereinafter). I have carefully reviewed my financial records and noticed discrepancies in the reported balance and other related information for the above account.

I kindly request that you investigate and correct these inaccuracies as soon as possible. It is important to me that my consumer report reflects accurate and reliable information, as it directly impacts my financial opportunities and standing.

I, Branden Lavar Trapp do not owe an alleged unpaid balance of \$351.76 to Bank of America, this information being reported is false, inaccurate, and unfair which is causing me damage of emotional distress because on 07/29/2023 I was denied a bank account with Michigan First Credit Union because of the inaccurate information being reported by your agency.

Please provide me with written confirmation once you have completed your investigation and made the appropriate changes to my consumer report. I expect this matter to be promptly resolved, consistent with the provisions outlined in the *Fair Credit Reporting Act, 15 U.S.C § 1681 et seq.*

Lastly, Thank you for your attention to this matter. Your assistance in rectifying this issue is greatly appreciated.

Best regards
s/Branden L. Trapp

Exhibit A

p 3-3

Exhibit B

CheX System response to
the CFPB complaint

1 page

of America reinvestigate the accuracy and completeness of the information they submitted. When the reinvestigation process is complete, ChexSystems will notify Mr. Trapp and the CFPB of the results. Under normal circumstances, a reinvestigation will be completed within approximately 30 days (21 days for residents of Maine). If additional relevant information and/or documentation is provided by the consumer during the course of a reinvestigation, the timeframe may be extended up to 15 days to allow the source sufficient time for review.

Company responded

STATUS

Company responded on 8/9/2023

RESPONSE TYPE

Closed with explanation

Company's Response

The reinvestigation of information disputed by Branden Lavar Trapp is complete. Bank of America verified the disputed information to be accurate and complete. ChexSystems sent a letter to notify the consumer of the results of the reinvestigation and to provide a current consumer disclosure report.

Feedback requested

STATUS

Feedback requested on 8/9/2023

FEEDBACK DUE

10/8/2023

Provide feedback about the company's response

We welcome your feedback on how the company responded to your complaint. You will have 60 days from when the company responded to share your feedback. The CFPB will share your feedback responses with the company and use the information to help the CFPB's work with consumer complaints.

Exhibit B

p 1-1

Exhibit C

BOA mail communication
to Mr. Trapp.

1 page



TX1-160-04-01
PO Box 655961
Dallas, TX 75265-9502

Research Complete

Date
August 30, 2023

Account ending in
3577

Claim Number
29AUG2023-230310

BRANDEN LAVAR TRAPP
10870 MARNE STREET
DETROIT, MI 48224

BRANDEN LAVAR TRAPP

We've completed our research on your claim and determined you aren't the person responsible for opening the account.

Thank you for telling us about the account opened in your name. Your claim has been resolved and the account has been closed.

What you need to know

If your credit report was used, the inquiry will be removed but could take up to 90 days to reflect on your credit report

Typically, the information provided in opening an account includes the applicant's name, address, date of birth, and Social Security number. Since your personal information was used, consider taking the following actions to protect yourself:

- Contact the credit bureaus. Check your credit report for accounts you do not recognize and ask the credit bureaus to place a fraud alert on your file.
 - Experian: Experian.com or 888-397-3742
 - TransUnion: Transunion.com or 800-680-7289
 - Equifax: Equifax.com or 888-766-0008
- Call the companies where you suspect fraud has occurred and ask them to close the account(s).
- Contact your other financial institutions and creditors. Speak with the fraud department and tell them that your identity may have been compromised.
- Consider changing your logins and passwords to help better protect your accounts.
- You may choose to also file a report with your local law enforcement.
- You may use this letter to inform the Department of Motor Vehicles (DMV) that your driver's license or Government ID may have been used by an impersonator to perform an unauthorized transaction on a Bank of America account.

Do even more to keep your personal information secure

Together, we can make a strong defense against fraud. Check out our page at www.bankofamerica.com/security-center/identity-theft-protection/ for additional steps to take to help protect yourself from identity theft.

Identity theft can happen to anyone – please consider sharing this information with friends and family.

We're here to help

If you have questions, please call us at 800.317.6345, Monday through Friday, 8 a.m. to 8 p.m. Eastern.

Thank you.

Exhibit C

P 1-1

Exhibit D

CFPB complaint

230909-11972228

1 page



Consumer Financial
Protection Bureau

(<https://www.consumerfinance.gov/>)

[Start a new complaint](#)

[All complaints \(.\)](#)

230909-11972228

OPEN

Submitted

STATUS

Submitted to the CFPB on 9/8/2023

PRODUCT

Credit reporting or other personal consumer reports

ISSUE

Problem with a company's investigation into an existing problem

We received your complaint. Thank you.

We will review your complaint. Depending on what we find, we will typically:

- Send your complaint to the company for a response; or
- Send your complaint to another state or federal agency, or help you get in touch with your state or local consumer protection office; or
- Let you know if we need more information to continue our work.

YOUR COMPLAINT

THIS IS A NOTICE OF INTENT TO SUE/LAST OPPORTUNITY TO REDRESS THE MATTER... PLEASE SEE THE DRAFTED ATTACHED AFFIDAVIT COMPLAINT LAWSUIT FOR THE FEDERAL COURT IN THE EASTERN DISTRICT COURT. Chex Systems, Inc. failed to comply with the FCRA after the consumer Branden Trapp filed the prior CFPB complaint 230731-11651187 dispute. SEE ATTACHMENTS

ATTACHMENTS

[Chex fed 2.pdf \(6.5 MB\)](#)

[Chex fed 1.pdf \(8.1 MB\)](#)

Exhibit D
P1

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 18TH day of September. I personally filed Affidavit Complaint and Demand for Jury Trial, Summons, Exhibits with the Clerk in person and USPS Express Priority Mail
EJ T50 597 523 US the Defendant at:

The Corporation Company
615 Griswold
Detroit, MI 48226

Trapp, Branden Lavar/ ATTORNEY IN FACT
CHIEF JUDGE/ SUPREME AUTHORITY
With the United States for the Estate of
BRANDEN LAVAR TRAPP
c/o Trapp, Branden Lavar
10870 Marne Street
Detroit, MI 48224

